

Document: Final Rule

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**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #00-208(F)

DIGEST

Amends 405 IAC 2-3-4 to eliminate the requirement to consider the income of a parent in the eligibility determination of an applicant or recipient of Medicaid who is between the ages of 18 and 21 and a student, in accordance with changes made to IC 12-15-4-4. Effective 30 days after filing with the secretary of state.

405 IAC 2-3-4

SECTION 1. 405 IAC 2-3-4 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-4 Income of legally responsible relatives; inclusion

Authority: IC 12-13-5-3; IC 12-13-7-3; IC 12-15-1-10

Affected: IC 12-15-4; IC 12-15-5

Sec. 4. The countable income of an applicant for or recipient includes income of certain legally responsible relatives in the following situations:

(1) Except as provided in subdivision (3), if the applicant or recipient is under eighteen (18) years of age ~~or between eighteen (18) and twenty-one (21) years of age and a student~~, and is living with his or her parent(s), his or her income includes the income of his or her parent(s).

(2) If the applicant or recipient is living with his or her spouse, his or her income includes the income of his or her spouse.

(3) Income of the parent(s) is not included if the applicant or recipient is under eighteen (18) years of age and has been approved from home and community based services under an approved waiver, in accordance with 42 U.S.C.A. 1396n, which specifies the exclusion of parental income.

(Office of the Secretary of Family and Social Services; 405 IAC 2-3-4; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1019, eff Apr 1, 1984; filed Feb 16, 1993, 5:00 p.m.: 16 IR 1784; filed May 10, 2001, 9:20 a.m.: 24 IR 3022) NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-3-6) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.

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Notice of Intent Published: 24 IR 56

Proposed Rule Published: December 1, 2000; 24 IR 752

Hearing Held: January 3, 2001

Approved by Attorney General: May 3, 2001

Approved by Governor: May 7, 2001

Filed with Secretary of State: May 10, 2001, 9:20 a.m.

Incorporated Documents Filed with Secretary of State: None